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ABSTRACT

This report identifies provisions of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 that relate to 10 recommendations proposed by a 1996 conference of the National Association of State Directors of Special Education on the Individualized Education Program (IEP). The conference used an accountability model that views accountability from a systemic perspective and the IEP as a major tool to achieve intense student learning outcomes. The information is presented in tabular form with three columns that show: first, the IEP recommendations from the conference; second, the relevant section/s of the 1997 IDEA amendments; and, third, related information from reports of the Senate on Labor and Human Resources and the House Committee on Education and the Workforce. Recommendations address such aspects of the IEP as IEP language; specification of accommodations; strategies for access to the general curriculum; making the IEP process more user-friendly; IEP focus on various transition points; student participation in the accountability program; use of broad-based goals; specification of the general education teacher's role; behavior management issues; and linking of educational objectives, intervention, and evaluation. (DB)

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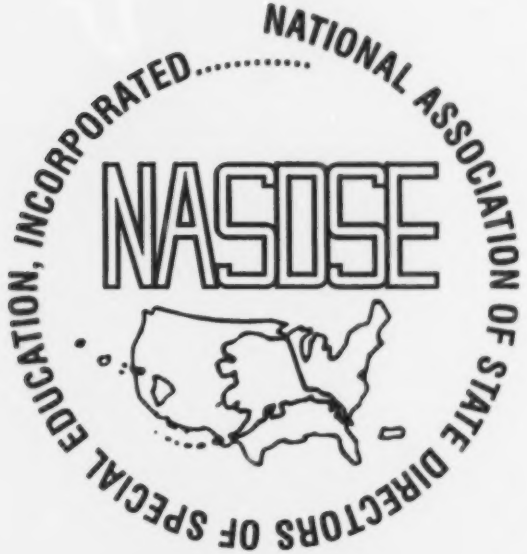
ED 416 617

# RELATIONSHIP OF IEP WINGSPREAD RECOMMENDATIONS TO THE IEP

## IDEA Amendments of 1997 and Committee Reports

June 1997

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U.S. Department of Education

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## Overview of the Relationship of the Wingspread conference Recommendations on Enhancing Individual Student Accountability Through the IEP With the IDEA Amendments of 1997 and Committee Reports

In October, 1996, a conference was convened by the National Association of State Directors of Special Education (NASDSE) at the Wingspread Conference Center to explore changes needed to facilitate use of the IEP to improve individual student learning and accountability. The accountability model used as a basis for the conference discussions was the NASDSE Balanced System of Accountability that views accountability from a systemic perspective. In this model, the IEP was viewed as a major tool to achieve one component of accountability--intense student learning outcomes.

The Wingspread conference participants identified ten recommendations that ranked highest on both likelihood of implementation and potential for positive impact. The purpose of this document is to identify provisions of the IDEA Amendments of 1997 as well as portions of the Committee Reports that relate to these ten IEP recommendations. The Wingspread IEP recommendations are listed in the first column of the chart provided. IEP provisions and references within the IDEA Amendments of 1997 and the Committee Reports are found in columns two and three.

The reader is advised that the information in the table columns has, in some instances, been summarized and/or paraphrased. Portions of the law and Committee Reports have also been omitted that do not pertain directly to the IEP. In addition, portions of the IDEA Amendments of 1997 and the Committee Reports included within this report that relate to the Wingspread IEP recommendations have been selected by the author and can be subject to opinion. Therefore, the contents of this document should not be used as a substitute for the language of the IDEA Amendments of 1997 or Committee Reports.

# RELATIONSHIP OF THE WINGSPREAD CONFERENCE RECOMMENDATIONS ON ENHANCING INDIVIDUAL STUDENT ACCOUNTABILITY THROUGH THE IEP TO THE IDEA AMENDMENTS OF 1997 AND COMMITTEE REPORTS

| IEP Recommendations 1996 Wingspread Conference | IDEA Amendments of 1997 | Senate on Labor and Human Resources and the House Committee on Education and the Workforce -Reports |
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| **1. Create a clear, common-sense, user friendly tool which uses a common language and is written in holistic terms.** | **Section 681(c)(5) Purposes**<br>(C) coordinating this Act with other local educational service agency, State, and Federal school improvement efforts in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent.<br><br>**Section 681(c)(7) Purposes**<br>(F) providing incentives for whole-school approaches and pre-referral intervention to reduce the need to label children as disabled in order to address their learning needs; and<br>(G) focuses resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results.<br><br>**Section 613(f)(2) Coordinated Services System**<br>(B) Service coordination and case management that facilitates the linkage of | Emphasis is on what is best educationally for children with disabilities rather than on paperwork for paperwork sake.<br><br>Changes focus on teaching and learning while reducing unnecessary paperwork requirements.<br><br>The new emphasis on participation in the general education curriculum is not intended by the committee to result in major expansions in the size of the IEP of dozens of pages of detailed goals and benchmarks or objectives in every curricular content standard or skill. |


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| | individualized education programs under this part and individualized family service plans under part C and with individualized service plans under multiple Federal and State programs, such as title I of the Rehabilitation Act of 1973 (vocational rehabilitation, title XIX of the Social Security Act (Medicaid), and title XVI of the Social Security Act (supplemental security income). | |
| **2. Describe in the IEP the accommodations, including supplemental aids and services, to be used in general and special education that will be made available to permit successful education of the student.** | **Section 614(d)(1)(A) IEP Contents**: (I) a statement of the child's present levels of educational performance, including-- (I) how the child's disability affects the child's involvement and progress in the general curriculum; or (II) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;<br><br>**Section 614(d)(1)(A)( IEP contents**: (ii) a statement of measurable annual goals, including benchmarks or short-term objectives, related to-- (I) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and (II) meeting each of the child's other educational needs that result from the child's disability; | The committee wishes to emphasize that, once the child has been identified as being eligible for special education, the connection between special education and related services and the child's opportunity to experience and benefit from the general education curriculum should be strengthened.<br><br>The IEP should also address the unique needs of the child that arise out of his or her disability that must be addressed in order for the child to progress in the general education curriculum, such as the need of a blind child to read Braille, or of a cognitively disabled child to receive transportation training (i.e., how to use public transportation).<br><br>The bill requires that annual goals included in a child's IEP relate to meeting the child's |



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| IEP Recommendations 1996 Wingspread Conference | IDEA Amendments of 1997 | Senate on Labor and Human Resources and the House Committee on Education and the Workforce -Reports |
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| | **Section 614(d)(1)(A) IEP Contents**:<br>(iii) a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child--<br>(I) to advance appropriately toward attaining the annual goals;<br>II) to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and<br>(III) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph; | needs that result from the child's disability to enable to the child to be involved in and progress in the general education curriculum. This language should not be construed to be a basis for excluding a child with a disability who is unable to learn at the same level or rate as nondisabled children in an inclusive classroom or program. It is intended to require that the IEP's annual goals focus on how the child's needs resulting from his or her disability can be addressed so that the child can participate, at the individually appropriate level, in the general curriculum offered to all students. |
| **3. Identify the needs, strategies, and measures in providing access to the general education curriculum.** | **Section 614(d)(1)(A) IEP Contents**<br>(iv) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii); | The new focus is intended to produce attention to the accommodations and adjustments necessary for disabled children to access the general education curriculum and the special services which may be necessary for appropriate participation in particular areas of the curriculum due to the nature of the disability.<br><br>The committee wishes to emphasize that, once the child has been identified as being |

| IEP Recommendations 1996 Wingspread Conference | IDEA Amendments of 1997 | Senate on Labor and Human Resources and the House Committee on Education and the Workforce -Reports |
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| | | eligible for special education, the connection between special education and related services and the child's opportunity to experience and benefit from the general education curriculum should be strengthened. The majority of children identified as eligible for special education and related services are capable of participating in the general education curriculum to varying degrees with some adaptations and modifications. This provision is intended to ensure that children' s special education and related services are in addition to and are affected by the general education curricula, not separate from it.<br><br>The bill contains the presumption that children with disabilities are to be educated in regular classes. Therefore, the legislation requires that the IEP include an explanation of the extent, if any, to which a child with with a disability will not participate with nondisabled children in the general education curriculum including extra-curricular and non-academic activities. Placement decisions are made on the basis of what each child needs. Every child is unique and so will be his or her needs. Nonetheless, when the decision is made to educate the child separately, an |



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| | | explanation of that decision will need, at a minimum to be stated as part of the child's IEP. |
| **4. Make the IEP process more user friendly, e.g., by saving time, reflecting cultural appropriateness, respecting stakeholder needs.** | **Section 613(a)(4) Educational Agency Eligibility -**<br>**Permissive Use of Funds - Services and Aids That Also Benefit Nondisabled Children**<br>(A) For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if one or more nondisabled children benefit from such services<br><br>**Section 614(d)(3) Consideration of Special Factors**<br>(B) The IEP Team shall--<br>(i) in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;<br>(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;<br>(iii) in the case of a child who is blind or | Specific day-to-day adjustments in instructional methods and approaches that are made by either a regular or special education teacher to assist a disabled child to achieve his or her annual goals would not normally require action by the child's IEP team. However, if changes are contemplated in the child measurable annual goals, benchmarks, or short-term objectives, or in any of the services or program modification, or other components described in the child s IEP, the LEA must ensure that the child's IEP team is reconvened in a timely manner to address those changes.<br><br>In developing a child's IEP, the bill requires that the IEP team consider the strengths of the child and the concerns of the parents for enhancing the education of their child; and the results of the initial evaluation or most recent evaluation of the child. In addition, the committee believes that a number of considerations are essential to the process of creating a child's IEP. The purpose of the IEP is to tailor the education to the child; not tailor the child to the education. If the child could fit into the school's general |


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| | visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;<br>(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities or direct instruction in the child's language and communication mode; and<br>(v) consider whether the child requires assistive technology devices and services<br><br>**Section 614(d)(3)(B) Development of IEP**<br>(B) In General- In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider--<br>(i) the strengths of the child and the concerns of the parents for enhancing the education of their child; and<br>(ii) the results of the initial evaluation or most recent evaluation of the child. | education program without assistance, special education would not be necessary.<br><br>The bill provides that, in the case of a child whose behavior impedes the learning of the child or others, the IEP team, as appropriate, shall consider strategies, including positive behavior interventions strategies and supports, to address that behavior. Similarly, in the case of a child with limited English proficiency, the IEP team is to consider the language needs of the child as such needs relate to the child's IEP. In the case of a child who is blind or visually impaired, the IEP team must provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.<br><br>The team also is to consider the communication needs of the child in order to ensure that local educational agencies better understand the unique needs of children who are deaf or hard of hearing. Section 614(d)(3)(B)(iv) includes special factors that must be considered in |



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| | | developing IEP's for these children. The policy included in the bill provides that, in the case of the child who is deaf or hard of hearing, the IEP team must consider the language and communication needs of the child; opportunities for direct communication with peers and professional personnel in the child's language and communication mode; the child's academic level; and the child's full range of needs, including the child's social, emotional, and cultural needs and opportunities for direct instruction in the child's language and communication mode. The committee also intends that this provision will be implemented in a manner consistent with the policy guidance entitled ``Deaf Students Education Services,'' published in the Federal Register (57 Fed. Reg. 49274, October 30, 1992) by the U.S. Department of Education.<br><br>The bill further requires that the IEP team consider the provision of assistive technology devices and services when developing the child's IEP. The bill provides opportunity for schools and parents to develop a common frame of reference about problems and potential problems that may remove the need to proceed to due process and instead foster a partnership to resolve problems. |



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| **5. Focus the IEP on various transition points to ensure a continuity of learning.** | **Section 614(d)(2) Program for Child Aged 3 Through 5**<br>(B) In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is--<br>(i) consistent with State policy; and<br>(ii) agreed to by the agency and the child's parents.<br><br>**Section 612(a) Transition From Part C to Preschool Programs**<br>(9) Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local | The bill requires that, at the beginning of every school year, an IEP be in effect for each child with a disability served by an LEA, a State agency, or an SEA. In the case of a child with a disability aged 3 through 5 (or at the discretion of the State educational agency, a 2-year old child with a disability who will turn 3 during the school year), an individualized family service plan that contains the requirements described in section 636, and that is developed in accordance with section 614, may serve as the child's IEP if using that plan as the IEP is consistent with State policy and agreed to by the agency and the child's parents. |



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| | educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).<br><br>**Section 614(d)(1)(A)**<br>**IEP Contents - Transition**<br>(vii) (I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);<br>(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages | The bill requires that the IEP include, beginning at age 14 "a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's course of study (such as participation in advanced placement courses or a vocational education program)." The purpose of this requirement is to focus attention on how the child's educational program can be planned to help the child make a successful transition to his or her goals for life after secondary school. This provision is designed to augment and not replace, the separate transition services requirement, under which children with disabilities beginning no later than age sixteen receive transition services including instruction, community experiences, the development of employment and other post-school objectives and, when appropriate, independent living skills and functional vocational evaluation. For example, for a child whose transition goal is a job, a transition service could be teaching the child how to get to the job site on public transportation. |


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| | **Section 614(d)(1)(A) IEP Contents - Age of Majority**<br>(vii) (III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and | |
| **6. Determine annually how the child will participate in the accountability program (regular assessment, with accommodations, or alternate assessment).** | **Section 602(11): IEP Contents Measurement of Progress**<br>(viii) a statement of--<br>(I) how the child's progress toward the annual goals described in clause (ii) will be measured; and<br>(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of--<br>(aa) their child's progress toward the annual goals described in clause (ii); and | Children with disabilities must be included in State and district-wide assessments of student progress with individual modifications and accommodations as needed. Thus, the bill requires that the IEP include a statement of any individual modifications in the administration of State and district-wide assessments. The committee knows that excluding children with disabilities from these assessments severely limits and in some cases prevents children with disabilities through no fault of their own, from continuing on to post- |



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| | (bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year. | secondary education. The bill requires that if the IEP team determines that that child s performance cannot appropriately be assessed with the regular education assessments, even with individual modification, the IEP must include a statement of why the assessment is not appropriate and alternative assessments must be made available. |
| | **Section 614(d)(1)(A) IEP Contents Assessment Modifications**<br>(v) (I) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and<br>(II) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of--<br>(aa) why that assessment is not appropriate for the child; and<br>(bb) how the child will be assessed; | The committee reaffirms the existing Federal law requirements that children with disabilities that if the IEP team determines that the child's performance cannot appropriately be assessed with the regular education assessments, even with individual modifications, the IEP must include a statement of why the assessment is not appropriate and alternative assessments must be made available. The committee reaffirms the existing Federal law requirement that children with disabilities participate in State and district-wide assessments. This will assist parents in judging if their child is improving with regard to his or her academic achievement just as the parents of nondisabled children do.<br><br>Children with disabilities must be included in State and district-wide assessments of student progress with individual |


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| | | modifications and accommodations as needed. Thus, the bill requires that the IEP include a statement of any individual modifications in the administration of State and district-wide assessments.<br><br>The committee knows that excluding children with disabilities from these assessments severely limits and in some cases prevents children with disabilities through no fault of their own, from continuing on to post-secondary education. The bill requires that if the IEP team determines that that child s performance cannot appropriately be assessed with the regular education assessments, even with individual modification, the IEP must include a statement of why the assessment is not appropriate and alternative assessments must be made available. The committee reaffirms the existing Federal law requirements that children with disabilities that if the IEP team determines that the child's performance cannot appropriately be assessed with the regular education assessments, even with individual modifications, the IEP must include a statement of why the assessment is not appropriate and alternative assessments must be made available. The committee reaffirms the existing Federal law requirement that children with disabilities |



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| | | participate in State and district-wide assessments. This will assist parents in judging if their child is improving with regard to his or her academic achievement, just as the parents the parent of nondisabled children do. |
| 7. **Determine broad-based goals based on the vision for each child so the IEP communicates expectations which can be measured periodically.** | **Section 681(c) Purposes**<br>(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.<br><br>**Section 681(c) (5) Purposes**<br>(A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible.<br><br>**Section 614(d)(4)(A) Review and Revision of IEP**<br>(A) In General- The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team--<br>(i) reviews the child's IEP periodically, but not less than annually to determine whether | The bill requires that the IEP team consider the strengths of the child and the concerns of the parents for enhancing the education of their child; and the results of the initial evaluation or most recent evaluation of the child. In addition, the committee believes that a number of considerations are essential to the process of creating a child's IEP. The purpose of the IEP is to tailor the education to the child; not tailor the child to the education.<br><br>The bill requires that a child s IEP include a statement of measurable annual goals, including benchmarks or short-term objectives. The committee views this requirement as crucial in helping parents and educators determine if the goals can reasonably be met during the year, and, as important, allow parents to be able to monitor their child s progress.<br><br>The bill contains the presumption that children with disabilities are to be educated in regular classes. Therefore, the |

| IEP Recommendations 1996 Wingspread Conference | IDEA Amendments of 1997 | Senate on Labor and Human Resources and the House Committee on Education and the Workforce -Reports |
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| | the annual goals for the child are being achieved; and<br>(ii) revises the IEP as appropriate to address--<br>(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;<br>(II) the results of any reevaluation conducted under this section;<br>(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);<br>(IV) the child's anticipated needs; or<br>(V) other matters. | legislation requires that the IEP include an explanation of the extent, if any, to which a child with a disability will not participate with nondisabled children in the general education curriculum including extra-curricular and non- academic activities. Placement decisions are made on the basis of what each child needs. Every child is unique and so will be his or her needs. Nonetheless, when the decision is made to educate the child separately, an explanation of that decision will need, at a minimum to be stated as part of the child's IEP. |
| **8. Clearly specify the role of the general education teacher in the IEP process for each child.** | **Section 614(d)(2) Requirement With Respect to Regular Classroom Teacher**<br>(A) The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(iii).<br><br>**Section 614(d)(4) Requirement With Respect to Regular Education Teacher** | The bill's definition of the Individualized Education Program team includes the parents of a child with a disability; at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment); at least one special education teacher, or where appropriate, at least one special education provider of such child; a representative of the local educational agency who is (a) qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (b) knowledgeable about the general curriculum; and (c) knowledgeable about the availability of resources of the local educational agency; an individual who |

| IEP Recommendations 1996 Wingspread Conference | IDEA Amendments of 1997 | Senate on Labor and Human Resources and the House Committee on Education and the Workforce -Reports |
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| | (B) Teacher- The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child. | can interpret the instructional implications of evaluation results, who may be a member of the team; at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with a disability.<br><br>Very often, regular education teachers play a central role in the education of children with disabilities. In that regard An IEP report card could also be made more useful by including checkboxes or equivalent options that enable the parents and the special educator to review and judge the performance of the child. An example would be to state a goal or benchmark on the IEP report card and rank it on a multi-point continuum. The goal might be, ''Ted will demonstrate effective literal comprehension." The ranking system would then state the following, as indicated by a checkbox: No progress; some progress; good progress; almost complete; completed. Of course, these concepts would be used by the school and the IEP team when appropriate. This example is not intended to indicate the committee's preference for a single means of compliance with this requirement. |

| IEP Recommendations 1996 Wingspread Conference | IDEA Amendments of 1997 | Senate on Labor and Human Resources and the House Committee on Education and the Workforce -Reports |
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| | | Very often, regular education teachers play a central role in the education of children with disabilities. In that regard the bill provides that the regular education participate on the IEP team, but this provision is to be construed in light of the bill's proviso that the regular education teacher, participate on the IEP team, but this provision is to be construed in light of the bill's proviso that the regular education teacher, to the extent appropriate, participate in the development of the IEP of the child. the committee recognizes the reasonable concern that the provision including the regular education teacher might create an obligation that the teacher participate in all aspects of the IEP team's work. the committee doe not intend that to be the case and only intends it to be the extent appropriate. The committee wishes to emphasize the "support" for school personnel, which is stated in the child's IEP, is that support that will assist them to help a particular child progress in the general education curriculum. |

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| **9. Address behavior management issues in the IEP process, using behavior specialists, teacher training, interventions, and supports.** | **Section 614(d(3) Consideration of Special Factors**<br>B. The IEP Team shall in the case of a child whose behavior impedes his or her learning or that of others consider, when appropriate strategies, including positive behavioral interventions and supports to address that behavior.<br><br>**Section 612(a)(22)(A) Suspension and Expulsion Rates**<br>**Section 612(a)(22(B) Review and Revision of Policies**<br>The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities. If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its polices, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act. | The bill provides that, in the case of a child whose behavior impedes the learning of the child or others, the IEP team, as appropriate, shall consider strategies, including positive behavior interventions, strategies, and supports, to address that behavior. |

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| | **Section 615 Placement in Alternative Educational Setting**<br>(k) (1) Authority of School Personnel -<br>(A) School personnel under this section may order a change in the placement of a child with a disability--<br>(i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and<br>(ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if--<br>(I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or<br>(II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.<br>(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)--<br>(i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that | |

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| | resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or<br>(ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.<br>3) Determination of Setting-<br>(A) In General- The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.<br>(B) Additional Requirement- Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall--<br>(i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and<br>(ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur. | |

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| **10. Articulate the link in the IEP between what we know about the student, what we propose to do to help and how we will know if we have been successful.** | **Section (c) Findings**<br>(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.<br>(5) Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by--<br>(A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible. | The critical issue now is to place greater emphasis on improving student performance and ensuring that children with disabilities receive a quality public education.<br><br>See above references to inclusion of students with disabilities within statewide assessment programs.<br><br>An IEP report card could be used with the general education report card as a way of informing parents about the child's progress toward the annual goals. An IEP report card could enable the parents and the special educator to review and judge the performance of the child. |